

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

 IRACING.COM MOTORSPORT SIMULATIONS,
 LLC, a Delaware Limited Liability Company,

Plaintiff,

v.

TIM ROBINSON, individually and d/b/a
 www.ow-racing.com and www.torn8oalley.com,Defendant.

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Civil Action No.

05-11639 NG

 ASSENTED TO MOTION
 TO EXTEND TIME TO FILE
EXPERT REPORTS

Pursuant to Fed. R. Civ. P. 26(a)(2), plaintiff iRacing.com Motorsport Simulations, LLC ("iRacing"), with the assent of defendant Tim Robinson ("Robinson"), respectfully requests that the Court extend the time to which the parties are to file expert reports until fifteen (15) days after the status conference to be held in October 2007 and the deadline for expert discovery until thirty (30) days after the expert report deadline.

As grounds for this request, iRacing states:

1. The Court, within its discretion, may establish expert discovery deadlines taking into consideration stipulation of the parties. Fed. R. Civ. P. 26(a)(2)(C).

2. The Court previously issued an Order setting the deadline for expert reports "one week after the court's ruling on dispositive motions" and setting the deadline for final expert discovery "seven weeks after the court's ruling on dispositive motions." (Electronic Order, iRacing.com Motorsport Sim., LLC v. Robinson, No. 05-11639 (May 18, 2006) (Gertner, J.)). On May 25, 2007, the Court granted in part and denied in part iRacing's motion for partial summary judgment. (Memo. & Order re: Pl's Mot. for Partial Summ. J., iRacing.com, No. 05-11639 (May 25, 2007)) (the "Order").

The Order significantly reduces the scope of the remaining matters properly subject to expert witnesses' testimony.

3. On May 31, 2007 the Court granted a Stipulated Motion to Extend Time to File Expert Reports to allow the parties time to more precisely focus on the factual matters left unresolved by the Order.

4. Under the present schedule, the deadline for filing expert reports is July 2, 2007, and the close of expert discovery is scheduled for July 13, 2007.

5. iRacing recently requested to set a status conference in attempt to significantly narrow the issues for trial in this matter. Such narrowing of the issues would in turn significantly reduce the potential scope of the expert reports and expert discovery. iRacing and Robinson have conferred but are unable to agree on the manner in which to reduce the scope of issues.

6. The first available time period upon which the Court and counsel for all parties are available for a status conference is in early October, 2007.

7. Accordingly, the parties respectfully request an additional extension of the deadline for expert reports and an extension of the expert discovery deadline to allow the parties to confer with the Court on narrowing the scope of triable issues in this matter at the status conference. Specifically, the parties request that the Court extend the time to which the parties are to file expert reports until fifteen (15) days after the status conference to be held in October 2007 and the deadline for expert discovery until thirty (30) days after the expert report deadline.

DATED: June 21, 2007

Respectfully submitted,

ASSENTED TO:

iRacing.com Motorsport Simulations, LLC

Tim Robinson
By his attorney,

By its attorneys,

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